



PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents 20231 on

September 14, 2001

Catherine M. Peck

September 14, 2001

Catherine M. Peck

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/757,333
Filed: January 9, 2001
Applicant: Achilefu et al.
Title: **VERSATILE HYDROPHILIC DYES**
Art Unit: 1619
Examiner: Unknown
Att'y Dock: MRD-67

Cincinnati, Ohio 45202

September 14, 2001

Box SEQUENCE
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

STATEMENT UNDER 37 C.F.R. §1.821(e & f)

The substitute paper copy of the "Sequence Listing" submitted herewith for consideration in the above-referenced application and the computer readable copy of that sequence listing submitted herewith are identical.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Beverly A. Lyman

Beverly A. Lyman
Reg. No. 41,961

2700 Carew Tower
Cincinnati, Ohio 45202
Office: (513) 241-2324
Fax: (513) 421-7269
K:\MRD\67\substitute sequence statement.wpd



COPY OF PAPERS
ORIGINALLY FILED

0590 #6
Location data
11/6 PATENT 6/15/01

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents 20231 on

September 14, 2001

Catherine M. Peck

September 14, 2001

Catherine M. Peck

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/757,333
Filed: January 9, 2001
Applicant: Achilefu et al.
Title: **VERSATILE HYDROPHILIC DYES**
Art Unit: 1619
Examiner: Unknown
Att'y Dock: MRD-67

Cincinnati, Ohio 45202

September 14, 2001

Box SEQUENCE
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO NOTICE OF INCOMPLETE REPLY

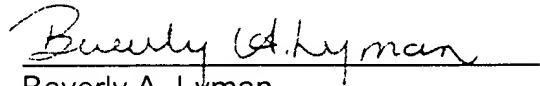
In response to your Notice of Incomplete Reply dated June 11, 2001, please find enclosed a corrected computer diskette and paper copy, along with our Statement under 37 C.F.R. §1.821(e & f).

No fee is believed indicated with this submission as the Raw Sequence Listing Error Report was not attached to your Notice of Incomplete Reply (copy attached). We received this Error Report from Mark Spencer via facsimile on August 31, 2001 (copy attached). However, should any fees be

deemed necessary in conjunction with this request, the Examiner is authorized to charge those fees or credit any overpayment to Deposit Account 23-3000.

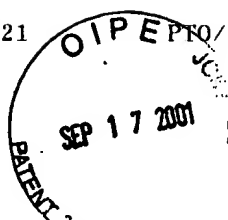
Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

A handwritten signature in cursive script, reading "Beverly A. Lyman", written over a horizontal line.

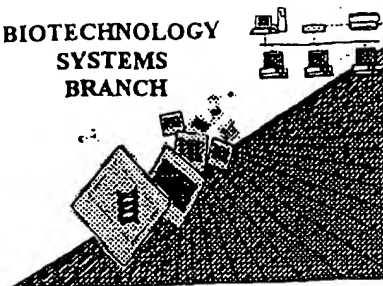
Beverly A. Lyman
Reg. No. 41,961

2700 Carew Tower
Cincinnati, Ohio 45202
Office: (513) 241-2324
Fax: (513) 421-7269
K:\MRD\67\response to notice of incomplete reply.wpd



RAW SEQUENCE LISTING ERROR REPORT

BIOTECHNOLOGY
SYSTEMS
BRANCH



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/757,333A
Source: 1619
Date Processed by STIC: 5/30/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.
PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)
PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER
VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND
TRADEMARK OFFICE WEBSITE. SEE BELOW:

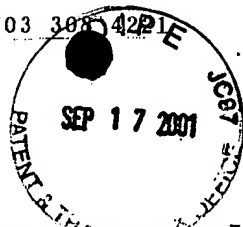
Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>



Raw Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

 SERIAL NUMBER: 09/757,337A

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 Wrapped Nucleics
 Wrapped Aminos The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 Invalid Line Length The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3 Misaligned Amino
 Numbering The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4 Non-ASCII The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5 Variable Length Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6 PatentIn 2.0
 "bug" A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7 Skipped Sequences
 (OLD RULES) Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:
 (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
 (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
 (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
 This sequence is intentionally skipped

 Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8 Skipped Sequences
 (NEW RULES) Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence.
 <210> sequence id number
 <400> sequence id number
 000
- 9 Use of n's or Xaa's
 (NEW RULES) Use of n's and/or Xaa's have been detected in the Sequence Listing.
 Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
 In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10 Invalid <213>
 Response Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
- 11 J Use of <220> Sequence(s) 1-8 missing the <220> "Feature" and associated numeric identifiers and responses.
 Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
 (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12 PatentIn 2.0
 "bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.



OIPE

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/757,333A

DATE: 05/30/2001

TIME: 11:47:47

Input Set : A:\PTO.txt

Output Set : C:\CRF3\05302001\I757333A.raw

Does Not Comply
Corrected Diskette Needed

pg 1-3

2 <110> APPLICANT: Achilefu, Samuel I.
3 Rajagopalan, Raghavan
4 Dorshow, Richard B.
5 Bugaj, Joseph E.
7 Mallinckrodt Inc.
9 <120> TITLE OF INVENTION: Versatile Hydrophilic Dyes
11 <130> FILE REFERENCE: MRD-67
13 <140> CURRENT APPLICATION NUMBER: US 09/757,333A
14 <141> CURRENT FILING DATE: 2001-01-09
16 <150> PRIOR APPLICATION NUMBER: US 09/484,321
17 <151> PRIOR FILING DATE: 2000-01-18
19 <160> NUMBER OF SEQ ID NOS: 8
21 <170> SOFTWARE: FastSEQ for Windows Version 3.0
23 <210> SEQ ID NO: 1
24 <211> LENGTH: 8
25 <212> TYPE: PRT
26 <213> ORGANISM: Artificial Sequence
28 <220> FEATURE:
W--> 29 <221> NAME/KEY: MOD RES OK
30 <222> LOCATION: (1)...(7)
31 <223> OTHER INFORMATION: Xaa at location 1 represents D-Phe.
32 <223> OTHER INFORMATION: Xaa at locations 2 and 7 represents Cys with an
33 intramolecular disulfide bond between two Cys
34 amino acids.
35 <223> OTHER INFORMATION: Xaa at location 4 represents D-Trp.
37 <400> SEQUENCE: 1
OK 38 Xaa Xaa Tyr Xaa Lys Thr Xaa Thr
39 1 5
42 <210> SEQ ID NO: 2
43 <211> LENGTH: 8
44 <212> TYPE: PRT
45 <213> ORGANISM: Artificial Sequence
47 <220> FEATURE:
W--> 48 <221> NAME/KEY: MOD RES
49 <222> LOCATION: (1)...(8)
50 <223> OTHER INFORMATION: Xaa at location 1 represents D-Phe.
51 <223> OTHER INFORMATION: Xaa at locations 2 and 7 represents Cys with an
52 intramolecular disulfide bond between two Cys
53 amino acids.
54 <223> OTHER INFORMATION: Xaa at location 4 represents D-Trp.
55 <223> OTHER INFORMATION: Xaa at location 8 represents Thr-OH.
57 <400> SEQUENCE: 2
OK 58 Xaa Xaa Tyr Xaa Lys Thr Xaa Xaa
59 1 5
61 <210> SEQ ID NO: 3
62 <211> LENGTH: 11
63 <212> TYPE: PRT

see item 11 on Error Summary Sheet

same error

SEP 17 2001

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/757,333A

DATE: 05/30/2001

TIME: 11:47:47

Input Set : A:\PTO.txt

Output Set: C:\CRF3\05302001\I757333A.raw

64 <213> ORGANISM: Artificial Sequence *same*
66 <220> FEATURE:
W--> 67 <221> NAME/KEY: MOD RES
68 <222> LOCATION: (1)...(0)
W--> 70 <223> OTHER INFORMATION:
70 <400> SEQUENCE: 3
71 Gly Ser Gly Gln Trp Ala Val Gly His Leu Met
72 1 5 10
75 <210> SEQ ID NO: 4
76 <211> LENGTH: 11
77 <212> TYPE: PRT
78 <213> ORGANISM: Artificial Sequence
80 <220> FEATURE:
81 <221> NAME/KEY: MOD RES
82 <222> LOCATION: (1)...(0)
W--> 84 <223> OTHER INFORMATION:
84 <400> SEQUENCE: 4
85 Gly Asp Gly Gln Trp Ala Val Gly His Leu Met
86 1 5 10
89 <210> SEQ ID NO: 5
90 <211> LENGTH: 8
91 <212> TYPE: PRT
92 <213> ORGANISM: Artificial Sequence
94 <220> FEATURE:
95 <221> NAME/KEY: MOD RES
96 <222> LOCATION: (1)...(0)
W--> 98 <223> OTHER INFORMATION:
98 <400> SEQUENCE: 5
99 Asp Tyr Met Gly Trp Met Asp Phe
100 1 5
103 <210> SEQ ID NO: 6
104 <211> LENGTH: 8
105 <212> TYPE: PRT
106 <213> ORGANISM: Artificial Sequence
108 <220> FEATURE:
W--> 109 <221> NAME/KEY: MOD RES
110 <222> LOCATION: (1)...(6)
111 <223> OTHER INFORMATION: Xaa at locations 3 and 6 represents Norleucine.
113 <400> SEQUENCE: 6
OK 114 Asp Tyr Xaa Gly Trp Xaa Asp Phe
115 1 5
117 <210> SEQ ID NO: 7
118 <211> LENGTH: 8
119 <212> TYPE: PRT
120 <213> ORGANISM: Artificial Sequence
122 <220> FEATURE:
W--> 123 <221> NAME/KEY: MOD RES
124 <222> LOCATION: (1)...(6)
125 <223> OTHER INFORMATION: Xaa at location 1 represents D-Asp.

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/757,333A

DATE: 05/30/2001

TIME: 11:47:47

Input Set : A:\PTO.txt

Output Set: C:\CRF3\05302001\I757333A.raw

126 <223> OTHER INFORMATION: Xaa at locations 3 and 6 represents Norleucine.

128 <400> SEQUENCE: 7

OK 129 Xaa Tyr Xaa Gly Trp Xaa Asp Phe

130 1 5

133 <210> SEQ ID NO: 8

134 <211> LENGTH: 8

135 <212> TYPE: PRT

136 <213> ORGANISM: Artificial Sequence

138 <220> FEATURE:

W--> 139 <221> NAME/KEY: MOD RES

140 <222> LOCATION: (1)...(1)

141 <223> OTHER INFORMATION: Xaa at location 1 represents D-Lys.

143 <400> SEQUENCE: 8

OK 144 Xaa Pro Arg Arg Pro Tyr Ile Leu

145 1 5

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/757,333A

DATE: 05/30/2001

TIME: 11:47:48

Input Set : A:\PTO.txt

Output Set: C:\CRF3\05302001\I757333A.raw

L:29 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:1
L:38 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1
L:48 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:2
L:58 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2
L:67 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:3
L:70 M:258 W: Mandatory Feature missing, <223> OTHER INFORMATION:
L:84 M:258 W: Mandatory Feature missing, <223> OTHER INFORMATION:
L:98 M:258 W: Mandatory Feature missing, <223> OTHER INFORMATION:
L:109 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:6
L:114 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6
L:123 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:7
L:129 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:7
L:139 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:8
L:144 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:8